

District Judge Kymberly K. Evanson

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

QINGLI ZHANG,

Plaintiff,

v.

JIM DEHART, *et al.*,

Defendants.

Case No. 2:24-cv-00064-KKE

STIPULATED MOTION TO HOLD  
CASE IN ABEYANCE AND ORDER

Noted for Consideration on:  
April 8, 2024

Plaintiff and Defendants, by and through their counsel of record, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and move to stay discovery, including the Court's Order setting Initial Scheduling Dates (Dkt. No. 7) until after this Court decides Defendants' Motion to Dismiss (Dkt. No. 8). Plaintiff brings this litigation pursuant to the Administrative Procedure Act and Mandamus Act seeking, *inter alia*, to compel Defendants to complete processing his non-immigrant visa application. Defendants' motion is noted for April 19, 2024. For good cause, the parties request that the Court stay discovery until after this motion is decided.

This Court has wide discretion to stay discovery while a motion to dismiss is pending. *Rae v. Union Bank*, 725 F.2d 478, 481 (9th Cir. 1984); *Jarvis v. Regan*, 833 F.2d 149, 155 (9th

1 Cir. 1987). A court may relieve a party of the burdens of discovery while a motion is pending  
2 pursuant to its inherent authority over discovery matters and pursuant to the Federal Rules of  
3 Civil Procedure. *Id.*; Fed. R. Civ. P. 26(c) (a court may deny or limit discovery upon a showing  
4 of good cause). Stays are appropriate where it “furthers the goal of efficiency for the court and  
5 litigants.” *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988); *see also* Fed. R. Civ. P. 1  
6 (Federal Rules should be “construed, administered, and employed by the court and the parties to  
7 secure the just, speedy, and inexpensive determination of every action and proceeding.”).

8 Because the motion to dismiss, if granted, would be fully dispositive of this case, a stay  
9 of discovery would save both time and resources, as well as potential judicial resources  
10 regarding discovery disputes. Accordingly, the parties respectfully request that discovery be  
11 stayed and the initial scheduling deadlines (Dkt. No. 7) be vacated. If Defendants’ motion to  
12 dismiss is denied, the parties will submit a joint status report within 14 days.

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DATED this 8th day of April, 2024.

Respectfully submitted,

TESSA M. GORMAN  
United States Attorney

GOLDSTEIN IMMIGRATION LAWYERS

s/Michelle R. Lambert

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*Attorneys for Defendants*

*Attorney for Plaintiff*

***I certify that this memorandum contains 326 words, in compliance with the Local Civil Rules.***

**ORDER**

Discovery is stayed pending a decision on Defendants' Motion to Dismiss (Dkt. No. 8). The deadlines in the Order Regarding Initial Disclosures, Chambers Procedures, Joint Status Report, and Early Settlement (Dkt. No. 7) are VACATED. If the Motion to Dismiss is denied, the parties shall submit a joint status report within 14 days of the order. It is so **ORDERED**.

Dated this 9th day of April, 2024.



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Kymberly K. Evanson  
United States District Judge